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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/473,846	12/28/1999	SEUNG-HWAN OH	P992062	1536

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EXAMINER

DAMIANO, ANNE L

ART UNIT

PAPER NUMBER

2184

DATE MAILED: 08/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/473,846

Applicant(s)

SEUNG-HWAN OH

Examiner

Anne L Damiano

Art Unit

2184

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/28/99.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Republic of Korea on 12/29/98. It is noted, however, that applicant has not filed a certified copy of the foreign application as required by 35 U.S.C. 119(b).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claim 1 is rejected under 35 U.S.C. 102(a) as being anticipated by Applicant's admitted prior art (hereinafter "AAPA").

AAPA discloses an existing method for processing a packet received from a physical layer by a MAC layer of an Ethernet to be transmitted to a switch that comprises steps of 1) detecting error while receiving the packet from a physical layer (page 2 line 5), 2) upon failure to detect the error, transmitting the received packet to the switch (page 2, lines 8-9), and 3) upon detection of the error, stopping the transmission of the received packet to the switch (page 2, lines 15-16).

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Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 3 and 4 are rejected under 35 U.S.C. ¹⁰³~~102~~(a) as being anticipated by AAPA in view of Lo (5,493,562).

As in claim 2, AAPA discloses an existing method for processing a packet received from a physical layer by a MAC layer of an Ethernet, wherein the received packet is stored in a memory for an eventual transmission to a switch that comprises the steps of 1) receiving a packet from the physical layer and storing the received packet in memory (page 2, lines 5-6) (the MAC layer performing an error processing operation implies that data must be stored in memory), 2) detecting error while receiving the packet, 3) upon detection of the error, stopping the storage of the received packet in memory (page 2, lines 15-16). However, AAPA does not specifically disclose transmitting signals, indicating an occurrence of the error or an end of the received packet, to the switch. Lo discloses a method for processing packets that transmits both an error signal and an end-of-packet signal to a switch (column 4, lines 24-30).

It would have been obvious to a person skilled in the art at the time the invention was made to include transmitting error and end-of-packet signals into the packet processing method,

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as was taught by AAPA above. This would have been obvious because Lo clearly teaches that gathering error statistics (by sending error and end-of packet signals to the switch) in a computer network is useful in network management because it enhances the user's ability to locate problems in the network (column 1, lines 14-17). A person skilled in the art would have been led to continuously detect packet errors while keeping packet error statistics in order to optimize a computer network.

Regarding claim 3, neither AAPA nor Lo specifically disclose the step of preparing to receive a next packet from the physical layer after receiving the error packet. However, it would have been obvious to a person skilled in the art at the time the invention was made to include this step in the packet processing method. This would have been obvious because it is well known that the Ethernet constantly processes packets. A person skilled in the art would have understood that after receiving an error packet, the MAC layer must prepare to receive a next packet.

Regarding claim 4, AAPA discloses an inherent memory mentioned above. However, AAPA does not specifically disclose a FIFO memory. It would have been obvious to a person skilled in the art at the time the invention was made to use a FIFO memory. This would have been obvious because FIFO memories are commonly used in the Ethernet.

Conclusion

6. The prior art was made of record and not relied upon is considered pertinent to applicant's disclosure.

See Form PTO-892.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne L Damiano whose telephone number is (703) 305-8010.


The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (703) 305-9731. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Anne L Damiano
Examiner
Art Unit 2184

ALD
August 9, 2002


Scott Baderman
Primary Examiner
Art Unit 2184